

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DAVID LAWRENCE WILSON,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

Case No. 2:13-cv-00207-RFB-PAL

ORDER

(Mtn to Amend Heading – Dkt. #45)

This matter is before the court on Plaintiff David Lawrence Wilson's Motion to Amend Heading (Dkt. #45). No opposition to the Motion was filed, and the time for filing one has now run. The court has considered the Motion.

Plaintiff is proceeding in this personal injury action pro se and in forma pauperis. This case has a protracted procedural history, but most recently, District Judge Pro permitted Plaintiff to file a Second Amended Complaint naming Walmart as a Defendant in this case. *See* Order (Dkt. #38) at 6:3-15. Plaintiff complied and filed the Second Amended Complaint ("SAC") (Dkt. #42) on May 12, 2014. The SAC names "Walmart" as a Defendant rather than "Wal-Mart Stores, Inc."

The Motion to Amend Heading represents that a process server told Plaintiff that the heading of the SAC should name Wal-Mart Stores, Inc., and Plaintiff would like to amend the caption accordingly. Plaintiff represents he served Wal-Mart Stores, Inc., with the corrected SAC on June 24, 2014, but Plaintiff has not filed the executed summons. In addition, the Summons (Dkt. #46) issued by the Clerk of Court names Wal-Mart Stores, Inc. as the Defendant. In order to avoid further confusion, and because Plaintiff has already served the corrected SAC, Plaintiff shall submit the corrected SAC he served with the Summons on Wal-Mart Stores, Inc.,

1 to the court as a "Notice of Corrected Image." Upon receipt of the corrected image, the Clerk of
2 Court shall update the docket sheet accordingly.

3 Accordingly,

4 **IT IS ORDERED:**

- 5 1. Plaintiff's Motion to Amend Caption (Dkt. #45) is GRANTED.
- 6 2. Plaintiff shall submit the corrected version of the SAC he served on Defendant Wal-
- 7 Mart Stores, Inc., to the court as a "Notice of Corrected Image."
- 8 3. Upon receipt of the corrected image, the Clerk of Court shall update the docket
- 9 accordingly to reflect the corrected SAC and Defendant's corrected name.

10 Dated this 9th day of July, 2014.

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12 PEGGY A. LEEN
13 UNITED STATES MAGISTRATE JUDGE
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